

REMARKS/ARGUMENTS

Status of the Claims

Claims 1-12 are pending in the application.

Claims 6-10 are withdrawn from consideration as being drawn to non-elected inventions.

Claims 1, 2, 4, and 11-12 are rejected under 35 U.S.C. §112, first paragraph for an allegedly insufficient written description.

Claims 1, 4, and 11-12 are rejected under 35 U.S.C. §112, first paragraph for alleged lack of enablement.

Claims 1, 4, and 11-12 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Demchyshyn *et al.* (PNAS USA 91:51558-5162, 1994).

Support for amendments to the claims

Support for the amendments to claims 1, 3, 4, 5, and 11, wherein "serotonin transporter" is substituted for "insect cell membrane transporter", can be found in the original claims and in the paragraph 0037 of the published application wherein the term "insect cell membrane transporter" is defined.

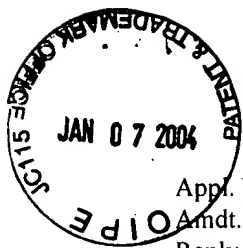
Support for the amendment to claim 12 wherein the mammalian cell is a CV-1 cell is found in paragraph 0176 of the published application.

Allowable Subject Matter

The Examiner has indicated that claims 3 and 5 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

The Rejections

Claims 1, 2, 4, and 11-12 are rejected under 35 U.S.C. §112, first paragraph for an allegedly insufficient written description. Claims 1, 4, and 11-12 are also rejected under 35 U.S.C. §112, first paragraph for alleged lack of enablement. Claims 1, 4, and 11-12 are rejected



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under 35 U.S.C. §102(b) as allegedly being anticipated by Demchyshyn *et al.* (PNAS USA 91:51558-5162, 1994).

In order to expedite prosecution, claims 1 and 4 have been cancelled and claims 2 and 11 have been amended, thereby obviating the rejections.

As currently written claims 2 and 11 recite a nucleic acid encoding a polypeptide comprising SEQ ID NO:4. As is known in the art and disclosed in paragraph 0046 of the published application, because of the degeneracy of the genetic code, a large number of nucleic acids may encode identical protein sequences. Thus, SEQ ID NO:4 is a representative example of the claimed genus.

Applicants reserve the right to pursue the subject matter of claims 1 and 4 prior to amendment in a continuation application.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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